IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1407 OF 2007

The Colaba Central Co-operative
Consumer's Wholesale & Retail
Stores Ltd. ...Petitioners.

Vs.

Municipal Corporation of Gr.Bombay & Ors...Respondents.

....

Mr.Haresh Mansukhani for the Petitioners.
Ms. A.K. Savla for the B.M.C.
Mr. K. R. Belosey, AGP for the State.

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CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

October 15, 2007.

P.C. :

The Petitioners are served with a notice under Section 55 (1) of the Maharashtra Regional and Town Planning Act, 1966, on the ground that they have raised a structure unauthorisedly without the permission of the Competent Authority and they were called to remove the said structure within 15 days from the date of the receipt of the notice. A reply to this notice was submitted by the Petitioners, but they were unable to demonstrate before the authorities that the said structure was raised after getting due permission from the

authorities. On the contrary, in their reply dated 27th June 2007, they have clearly stated that a shed had been erected for the convenience of the customers who visit the Stores and was primarily only for Monsoon Season. In this view of the matter, the decision of the authorities concerned cannot be faulted with and there is no reason why this Court should interfere under Article 226 of the Constitution of India. The Writ Petition is dismissed.

CHIEF JUSTICE

Dr.D.Y. CHANDRACHUD, J.